9/8/2026

From State Control to Safeguarding Independence:

Essential Safeguards for Syria's New Law on Associations

A Position Paper by Syrian Initiative for Fundamental Rights

1. Introduction

The Syrian transitional government is currently drafting a new law related to non-governmental organizations that will replace the Law on Associations and Private Institutions No. 93 of 1958 and its amendments.[1] Following a series of consultations, the Ministry of Social Affairs and Labor announced that it had completed an initial draft, which it plans to present to civil society organizations and the relevant ministries before referring it to the People's Assembly.[2] However, the full text of the draft was not publicly available when this paper was prepared, making it impossible to assess its provisions independently or to determine if it reflects international standards and the stated outcomes of the consultations.

The adoption of a new law presents a crucial opportunity to break with the approach that governed the relationship between the state and civil society in Syria for decades. Law No. 93 of 1958 — enacted during the United Arab Republic and subsequently amended by Legislative Decree No. 224 of 1969 — gave the executive broad powers to register and formally recognize associations, interfere in their management, merge or dissolve them, suspend their decisions, and restrict their funding and domestic and international ties. Under the Assad regime, these powers were reinforced by security approvals and unwritten practices that transformed legal registration into a de facto political licensing system.[3]

The risks associated with this approach did not end with the fall of the former regime. The transitional period has seen re-registration requirements, overlapping mandates among the Ministry of Social Affairs and Labor, the Office for the Coordination of Humanitarian Action, and sectoral authorities, and prior-approval requirements for activities and projects. A directive issued by the Minister of Social Affairs and Labor on October 1, 2025 also reiterated that prior administrative approval was required to receive foreign funding or join bodies outside Syria, pursuant to provisions of Law No. 93.[4]

In a joint position paper issued in October 2025, 31 Syrian civil society organizations called for the restrictive provisions of Law No. 93 to be suspended, the prior-approval system to be discontinued, and relations with civil society organizations to be managed through a civilian body without security oversight.[5]

This paper builds on those demands. It identifies the safeguards that the new law must guarantee, and the red lines it must not cross, with the aim of ensuring that civil society organizations in Syria can operate impartially and independently.

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[1] Syrian Arab News Agency (SANA), "Workshop to Discuss and Develop the Law on Non-Governmental Organizations in Syria" (in Arabic), 9 April 2026.

[2] Syria 360, "Draft Law on Non-Governmental Organizations Ready for Submission to the People's Assembly" (in Arabic), 14 July 2026.

[3] Human Rights Watch, No Room to Breathe: State Repression of Human Rights Activism in Syria, vol. 19, no. 6(E), October 2007, Chapter IV ("Syria's Legal Framework").

[4] Cairo Institute for Human Rights Studies, "We Can't Sit Back and Wait": Syria's Transition Through the Eyes of Civil Society, 3 November 2025, particularly the sections "Registration Requirements and Dissolution Procedures" and "Approvals for Activities."

[5] Syrian Initiative for Fundamental Rights, Joint Position Paper on the Directive from the Minister of Social Affairs and Labor, 22 October 2025.

2. Constitutional and International Legal Framework

The Syrian Constitutional Declaration requires the state to safeguard human rights and fundamental freedoms. Incorporated in the Declaration are rights and freedoms enshrined in international treaties ratified by Syria, including the International Covenant on Civil and Political Rights. It also guarantees freedom of opinion and expression, the inviolability of private life, and freedom to form associations and trade unions, and prohibits any administrative decision from being shielded from judicial review. Accordingly, the new law must protect freedom of association and the related rights to freedom of expression, privacy, property, and access to justice, all of which are essential to associations' effective operation.[6]

Article 22 of the International Covenant on Civil and Political Rights guarantees the right to freedom of association with others. It permits restrictions on this right only where they are prescribed by clear law, necessary in a democratic society, and proportionate to one of the grounds exhaustively listed in the article. General invocations of security or the public interest are insufficient. The state must instead demonstrate both that there is a pressing social need and that the restriction is the least intrusive means of achieving a legitimate aim.[7]

The state's obligations extend beyond refraining from arbitrary interference. It is responsible for ensuring a safe and enabling environment that protects associations and their members from threats, violence, and reprisals and allows them to operate, communicate, access resources, and participate in public affairs.[8]

3. Safeguards That the New Law Must Include

❖ Freedom to Form Associations and Protection of Unregistered Entities

The law should make clear that forming an association is a right and does not require prior authorization. An association should automatically acquire legal personality[9] upon submitting a notification to a competent civilian authority that contains specific basic information, such as its name, address, objectives, bylaws, and the names of the persons authorized to represent it. The notification should serve only to record the association's establishment and should not operate as an application for approval. Accordingly, the acquisition of legal personality should not depend on the competent authority's assessment of the need for the association's services, whether its objectives align with government plans, or any security approval.

Registration procedures should be available in every governorate and be simple and inexpensive. Anyone filing a notification should immediately receive proof of submission. If the law provides for review of a filing, it should set a short deadline (such as 30 days), after which registration should be deemed granted by operation of law. Grounds for refusal should be narrowly defined and limited to

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[6] Constitutional Declaration of the Syrian Arab Republic, 13 March 2025, arts. 12-14 and 17 (unofficial English translation).

[7] International Covenant on Civil and Political Rights, art. 22.

[8] United Nations Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, UN Doc. A/HRC/20/27, 21 May 2012, in particular paras. 54-62, 63-65, and 75-76.

[9] United Nations Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, UN Doc. A/HRC/20/27, 21 May 2012, paras. 56 and 58.

specific cases consistent with international law; any refusal should be reasoned in writing and subject to prompt appeal before an independent court. No restriction on forming or joining an association should be imposed unless it is precisely prescribed by law, based on grounds directly related to the role concerned, proportionate, and subject to appeal.[10]

The law should also define its scope of application clearly and cover all forms of non-profit entities, including associations, foundations, networks, coalitions, branches, and organizations registered outside Syria, regardless of their name or field of activity.

It is important to distinguish between exercising the right to freedom of association and acquiring legal personality. Freedom of association protects the right to form organized groups and work collectively to pursue lawful objectives, whether or not those groups choose to register. Registration, by contrast, gives an entity a separate legal personality, enabling it to enter into contracts, open bank accounts, and own property in its own name. Unregistered initiatives, networks, campaigns, and volunteer groups should therefore be free to conduct peaceful activities, and their members should incur no liability merely because the entity is unregistered.[11]

❖ Freedom to Determine Objectives, Conduct Activities, and Engage in Advocacy

The definition of civil society work should be broad enough to cover human rights, humanitarian, development, cultural, research, environmental, and professional activities, as well as advocacy, monitoring the performance of public authorities, proposing policies and legislation, strategic litigation, and engagement with international mechanisms. It should not be limited to charitable work or service delivery.

The law should make clear that engagement in public affairs does not, in itself, constitute "political activity" for the purpose of imposing prohibitions or restrictions on associations. This includes monitoring or criticizing government policies; proposing legislative reforms; human rights advocacy; policy engagement; strategic litigation; calls for elections; election monitoring; participation in public debate; capacity-building for candidates or members of parliament; work in the fields of transitional justice, accountability, women's rights, or minority rights; and peaceful advocacy for constitutional or legal reform. Direct funding of political parties and election campaigns may be regulated through clear provisions, while maintaining a clear distinction between partisan activity and participation in public affairs or advocacy for rights. Broad, open-ended terms capable of divergent interpretation, such as "no need for the association," "undermining the prestige of the State," or "contrary to public morals," should either be omitted or defined precisely and consistently with international standards.[12]

[10] OSCE Office for Democratic Institutions and Human Rights (ODIHR) and European Commission for Democracy through Law (Venice Commission), Guidelines on Freedom of Association, 2015, adopted by the Venice Commission at its 101st Plenary Session (Venice, 13-14 December 2014).

[11] Ibid.

[12] Ibid.

❖ Organizational and Administrative Independence

The law should guarantee associations the freedom to adopt their own internal rules, choose their members, leaders, and staff, determine their organizational structures and meeting schedules, and establish branches, offices, and networks inside and outside Syria. It should not give the Ministry or any other public authority the power to appoint representatives to associations' governing boards, to attend their internal meetings without invitation, to alter their objectives, to merge them without their consent, to require them to use standardized bylaws, or to compel them to join a particular federation or umbrella body.

As a general rule, associations' projects, activities, and meetings should not be subject to prior approval. This should not prevent the evaluation of generally applicable technical standards for certain services, such as health or education, from being applied equally to all providers — holding that this evaluation of standards remains limited to technical matters and does not involve assessing the substance of the activity. Procedures should also be coordinated so that associations are not required to submit the same information to multiple authorities. No ministry, security body, governorate, or other executive authority should be permitted to impose registration, activity, partnership, reporting, or approval requirements beyond those expressly established by law, whether through circulars, ministerial instructions, administrative decisions, mandatory interviews, or unpublished measures.

❖ Access to Funding and Resources

The new law must recognize that registered and unregistered associations have the right to seek, receive, and use funding and resources from domestic and international sources without prior approval. Such sources include, but are not limited to, Syrian individuals inside Syria and in the diaspora, international organizations, the United Nations, and foreign governments, among other donors. This right extends to donations, grants, membership fees, fundraising proceeds, and income from lawful economic activities, provided that it is used for non-profit purposes.[13]

The law should rely on financial disclosure, proper accounting records, and annual financial reports as alternatives to prior approval of funding. It may require an independent audit where an association's resources exceed a reasonable statutory threshold and may apply anti-corruption, anti-money-laundering, and counter-terrorist-financing rules. These obligations must be proportionate to the organization's size and resources and to money-laundering or terrorist-financing risks established through an objective and documented assessment. Consistent with the Financial Action Task Force's revised standards, anti-money-laundering and counter-terrorist-financing measures must be focused, proportionate, targeted, and risk-based, rather than applied uniformly to the entire sector.[14] The receipt of foreign funding should not, in itself, constitute sufficient grounds for enhanced scrutiny or other adverse measures. Nor should these measures require that funding is channeled through a government body, delay projects pending approval, or

[13] United Nations Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, UN Doc. A/HRC/23/39, 24 April 2013.

[14] Financial Action Task Force (FATF), Best Practices Paper on Combating the Terrorist Financing Abuse of Non-Profit Organisations (Recommendation 8), November 2023.

disrupt legitimate activities including cross-border transfers, humanitarian operations, partnerships, and fundraising.

The law should also ensure that associations have access to banking and financial services without discrimination. Financial institutions and competent authorities should not refuse to open or maintain accounts, to arbitrarily close them, to impose excessive enhanced due diligence measures or disproportionate reporting requirements, to freeze funds, or to restrict legitimate international transfers solely because an entity is a civil society organization or receives foreign funding. Any enhanced measure must be based on an objective, documented risk assessment and must be necessary and proportionate to the identified risk.

❖ Public Benefit Status and Government Support

An association's registration and right to operate should be separate from the grant of public benefit status. Public benefit status is a special legal status that may be granted to associations whose activities further the public interest, including those working in health, education, humanitarian aid, environmental protection, and human rights. It may confer specific benefits, such as tax exemptions or eligibility to apply for certain forms of public funding. Applying for this status should be voluntary and it should be granted based on objective, transparent, and published criteria. Further, decisions related to public benefit status should be appealable. The system should also be designed and implemented such that public benefit status does not become a measure of an association's legitimacy or a basis for preferential treatment on nonobjective grounds.[15]

❖ Limited, Transparent Oversight and Protection of Privacy

The competent state authority's primary role should be to administer the register of associations and to receive reports prescribed by law; its powers should be clearly and exhaustively defined. The bodies responsible for registration and oversight should be institutionally separate to maintain an appropriate balance and prevent the concentration of broad powers in a single authority. As a rule, oversight should take place after activities have begun, not through prior-approvals. Inspections should be based on serious and specific indications of a violation. An association should be notified of the reasons for an inspection and its scope and duration, and should be entitled to challenge the inspection decision before a court.

The new law should also protect personal data held by associations concerning their members, staff, donors, and beneficiaries. Such data should be collected, requested, used, or disclosed only for a specified, legitimate purpose and only where necessary and proportionate. Associations should not be required to publicly disclose lists of their members, donors, or beneficiaries, and information submitted to the competent authorities should be limited to what is necessary to verify compliance with specific statutory obligations. Some categories of data require enhanced protection, particularly data concerning victims, survivors, witnesses, missing persons, and detainees; documentation files; health and social information; and other sensitive data. Authorities should

[15] OSCE Office for Democratic Institutions and Human Rights (ODIHR) and European Commission for Democracy through Law (Venice Commission), Guidelines on Freedom of Association, 2015, adopted by the Venice Commission at its 101st Plenary Session (Venice, 13-14 December 2014).

have access to such data only under a specific, reasoned judicial order and where access is necessary and proportionate, subject to appropriate safeguards protecting data subjects, sources, and lawyer-client confidentiality.[16]

❖ Proportionate Sanctions and Dissolution Only by Judicial Order

The new law should distinguish between minor administrative errors and serious violations and give an association a reasonable opportunity to remedy a violation before imposing sanctions. A late report, an accounting error, a minor breach of bylaws, or a decline in membership should not, in itself and without an opportunity for correction, prompt the association's closure, the freezing of its accounts, or the initiation of criminal proceedings against it. Liability should affect the person responsible for the violation, rather than the association as a whole. Where that person can be held separately accountable, the association should not be punished for an individual act committed outside the scope of that person's authority and not attributable to the association.

Only an independent court should have the power to suspend or dissolve an association, and then only in exceptional cases involving a serious violation that poses a clear and imminent danger and after it has been established that less intrusive measures would be insufficient. An association's assets should be frozen only pursuant to a reasoned judicial order, where the freeze is strictly necessary and proportionate and a demonstrable connection exists between the assets or their use and a serious violation. The association must also have the right to access its case file, present a defense, and appeal the decision. An appeal should suspend enforcement of closure, dissolution, or an asset freeze until a final judgment is issued, unless the court orders otherwise on grounds of exceptional necessity in a reasoned decision.[17]

❖ Equality and Protection

The law should guarantee all persons an equal right to form and join associations, without discrimination on grounds of sex, gender, disability, ethnicity, race, religion, sect, political views, region, or nationality. Legal rules should also be applied equally across all associations, including human rights and women's rights organizations, victims' organizations, minority organizations, and organizations receiving international funding.

The state should take the measures necessary to ensure a safe environment for associations and their personnel, protect them against threats, incitement, violence, or reprisals by public officials or non-state actors, and ensure that violations against their lawful activities are effectively investigated. This includes guaranteeing their right to communicate with and provide information to the United Nations and international organizations without prior authorization and without facing punitive or retaliatory measures.[18]

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[16] Ibid.

[17] Ibid.; see also United Nations Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, UN Doc. A/HRC/20/27, 21 May 2012, paras. 75-76, on the requirement that suspension and involuntary dissolution be limited to exceptional cases and ordered by an independent and impartial court.

[18] United Nations General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, UN General Assembly resolution 53/144, 9 December 1998, in particular arts. 5, 6, 9, 12, and 13.

❖ Transitional Provisions Protecting the Continuity of Associations' Work

The law's transitional provisions should preserve the continuity of existing organizations' work and legal personality, without requiring them to re-register or suspend their activities while bringing their status into compliance. This continuity should extend to existing contracts, grants, bank accounts, assets, leases, employment relationships, valid licenses, partnerships, and other legal rights and obligations; none of which should have to be re-established solely because of the adoption of the new law. Organizations should be given a reasonable period to update any essential information as necessary. A simplified notification procedure could be adopted to grant legal recognition to: organizations established during the conflict in areas controlled by different authorities; organizations registered outside Syria that wish to relocate their headquarters to the country or establish a branch there; and organizations that were previously prevented from registering due to security restrictions. No liability or penalty should apply retroactively to peaceful civil society activities carried out before the law entered into force.[19]

4. Legislative Pitfalls to Avoid in Safeguarding the Freedom and Independence of Associations

The Syrian Initiative for Fundamental Rights considers that any provision containing one or more of the following measures would recreate an apparatus of state control over civil society, even if presented on the basis of partnership or governance:

1. Requiring a license or security approval to establish an association or select its founders or governing bodies; granting security agencies a role in registration or oversight of activities; or allowing security agencies to request data outside the judicial procedures aforementioned.
2. Requiring proof of a need for the association or restricting its work to sectors or governorates designated by the Ministry of Social Affairs and Labor or any other executive authority.
3. Subjecting the registration of an association or the commencement of its projects and activities to approvals or interviews before multiple government bodies, including governorates, ministries, and security agencies; or requiring an additional procedure after the legal requirements have been met before the competent authority, instead of adopting a one-stop administrative window.
4. Requiring existing organizations to re-register or renew their licenses periodically.
5. Requiring approval for activities, projects, meetings, or partnerships on an individual basis.

[19] OSCE Office for Democratic Institutions and Human Rights (ODIHR) and European Commission for Democracy through Law (Venice Commission), Guidelines on Freedom of Association, 2015, adopted by the Venice Commission at its 101st Plenary Session (Venice, 13-14 December 2014); see also United Nations Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, UN Doc. A/HRC/20/27, 21 May 2012, para. 62, on not requiring previously registered associations to re-register upon the adoption of a new law.

6. Requiring prior approval to receive domestic or international funding or to join international networks and bodies.
7. Imposing a broadly articulated prohibition on human rights work, advocacy, or "political activity."
8. Granting the Ministry of Social Affairs and Labor, or any other executive authority, the power to attend associations' internal meetings, appoint members of their governing boards, merge them, or alter their objectives.
9. Requiring public disclosure of lists of members, donors, or beneficiaries, or of victims' and witnesses' files.
10. Imposing uniform and burdensome reporting and auditing requirements on all associations without taking into account each association's size, resources, and the nature of its financial activities; or subjecting some associations to stricter requirements than others without basis in objective and published criteria.
11. Allowing an association to be suspended, dissolved, or its assets frozen, by administrative decision or for a minor violation.
12. Granting executive authorities broad, vaguely defined discretionary powers or shielding their decisions from judicial review.
13. Allowing executive decisions or unpublished circulars to introduce restrictions or approval requirements not prescribed by law.

5. Recommendations

Based on the safeguards and red lines outlined above, the Syrian Initiative for Fundamental Rights makes the following recommendations to the Ministry of Social Affairs and Labor, as the authority responsible for preparing the draft law; the Council of Ministers and other relevant government bodies; and the People's Assembly, as the legislative authority responsible for debating and adopting the law. These recommendations seek to ensure the adoption of a law that protects freedom of association and associations' independence, that complies with Syria's constitutional and international obligations, and that breaks with the state-control approach that shaped past legislation and practice. The law should regard associations, initiatives, and civil society organizations as partners in public life, not as auxiliary instruments for restricting freedoms.

1. Publish the draft law on associations in full — together with its explanatory memorandum and any regulations intended to be issued under it — and allow at least 30 days for public consultation and written submissions before referring the bill to the People's Assembly. The consultation should include human rights and women's rights organizations; organizations representing victims, persons with disabilities, and minorities; local initiatives; and organizations operating in different regions. Following the consultation, a statement should be published explaining which proposals were accepted or rejected and why.
2. Before the bill is adopted, refer it to the Supreme Constitutional Court, through the legally authorized body, for an opinion and publish that opinion. At the same time, conduct and

publish a human rights assessment of the bill's compatibility with the International Covenant on Civil and Political Rights and United Nations standards on freedom of association. No implementing measure should introduce conditions or approval requirements not provided for in the law.

3. State expressly in the new law that Law No. 93 of 1958 and its amendments are repealed, and review, repeal, or amend all regulations, decisions, and circulars inconsistent with the new law, thereby ending administrative practices that require prior approval for activities, funding, or external engagement. Pending enactment of the law, suspend the application of decisions and circulars that impose such approvals.
4. Establish a unified civilian registration system, available in all governorates and vested with clearly defined administrative functions; limit published data to basic, non-sensitive information; and eliminate overlapping mandates among government bodies in registration, oversight, and sector-specific requirements. Publish periodic data on the number of notifications, applications, decisions, appeals, and sanctions so that implementation of the law can be assessed without disclosing personal or sensitive data.
5. Ensure effective and prompt judicial review of all decisions affecting an association's establishment, activities, funding, or assets, and guarantee that no administrative decision is immune from appeal.